



GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

May 29, 2019

Certified Mail:

7017 0190 0000 6412 9304

City of Dunsmuir
5915 Dunsmuir Ave.
Dunsmuir, CA 96025

Attn: Randy Johnson, Interim City Manager

COMPLIANCE ORDER NO. **01_01_19(R)_001** FOR VIOLATIONS OF MAXIMUM CONTAMINANT LEVEL FOR TOTAL COLIFORM BACTERIA AND OTHER OPERATIONAL DEFECTS, **CITY OF DUNSMUIR** PUBLIC WATER SYSTEM, SYSTEM #**4710002**

Enclosed is a compliance order issued to the **City of Dunsmuir**.

Any person who is aggrieved by an order or decision issued by the deputy director of the Division of Drinking Water under Article 8 (commencing with Health and Safety Code section 116625) or Article 9 (commencing with Health and Safety Code section 116650), of the Safe Drinking Water Act (Chapter 4, Part 12, Division 104, of the Health and Safety Code) may file a petition with the State Water Board for reconsideration of the order or decision. Appendix 1 contains the relevant statutory provisions for filing a petition for reconsideration (Health and Safety Code section 116701).

Petitions must be received by the State Board within 30 days of the issuance of the order or decision by the Deputy Director. The date of issuance is the date when the Division of Drinking Water mails a copy of the order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions, please contact Craig Bunas at (530) 224-4887 or me at (530) 224-4875.

Barry Sutter, P.E., Klamath District Engineer
Division of Drinking Water
STATE WATER RESOURCES CONTROL BOARD

Enclosures

cc: Richard L. Hinrichs, P.E., Chief – DDW – Northern California Section

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | www.waterboards.ca.gov

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Date: May 29, 2019

To: City of Dunsmuir
5915 Dunsmuir Ave.
Dunsmuir, CA 96025

Attn: Randy Johnson, Interim City Manager

COMPLIANCE ORDER No. 01_01_19(R)_001
FOR FAILURE TO
COMPLY WITH MAXIMUM CONTAMINANT LEVELS
FOR TOTAL COLIFORM BACTERIA

Section 64426.1

Title 22, California Code of Regulations

Public Water System: City of Dunsmuir

Public Water System Number: 4710002

Section 116650 of the California Health and Safety Code authorizes the issuance of a compliance order to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter “California SDWA”), or any regulation, standard, permit or order issued or adopted thereunder. The State Water Resources Control Board (hereinafter “State Board”), acting by and through its Division of Drinking Water

(hereinafter "Division") and the Deputy Director for the Division (hereinafter "Deputy Director"), hereby issues a compliance order to City of Dunsmuir (hereinafter, Dunsmuir) for repeated violations of California Code of Regulations (CCR), Section 64426.1, Maximum Contaminant Level (MCL) for Total Coliform Bacteria.

APPLICABLE AUTHORITIES

Section 64426.1 (Total Coliform Maximum Contaminant Level), CCR states in relevant part:

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

STATEMENT OF FACTS

The City of Dunsmuir is classified as a Community public water system serving approximately 1,259 connections and 1,923 people and is required by regulations to collect samples and report coliform analysis results of four water samples per month. Dunsmuir failed the MCL for total coliform bacteria for four months in 2017, for five months in 2018 and for two months in 2019 to date, for a total of eleven months since January 2017. A citation was issued by the Division for each of the above mentioned

1 MCL violations. Several Level 2 Assessment investigations were completed in an effort
2 to determine the source of total coliform bacteria. The results of these assessments
3 suggest that the poor condition of the spring collection system may be contributing to the
4 ongoing presence of coliform bacteria in the drinking water system. Apart from removing
5 one of the spring sources from the supply, Dunsmuir has not made significant
6 improvements to its water system to help prevent future total coliform MCL violations.

7
8 In addition, it has been reported to the Division that emergency or precautionary
9 disinfection by chlorination, a standard method used by other water systems, is not
10 possible for fear of contaminating the Sacramento River because one of the primary
11 water storage tanks overflows uncontrollably and constantly into the Sacramento River.

12 13 **DETERMINATION**

14 The Division has determined that Dunsmuir failed the total coliform MCL eleven times
15 since January 2017, and has subsequently failed to properly identify and remediate the
16 source of the total coliform.

17
18 The Division has also determined that the total coliform bacteria in the drinking water
19 cannot be practically treated using the existing infrastructure and standard chlorination
20 methods due to uncontrolled overflow from one of the tanks into the Sacramento River.

21 22 **DIRECTIVES**

23 Dunsmuir is hereby directed to take the following actions:

- 24
25 1. By December 31, 2020, improve and/or replace the degraded portions of the spring
26 water collection system.

- 1 2. By December 31, 2020, make physical improvements to the system, and/or
2 operational improvements such that, when necessary, the entire water system can
3 be disinfected without discharging chlorinated water into surface waters; and, install
4 permanent emergency chlorination facilities.
5
- 6 3. If Dunsmuir is unable to perform the tasks specified in this Order for any reason,
7 whether within or beyond its control, and if Dunsmuir notifies the Division in writing
8 no less than thirty days in advance of the due date, the Division may extend the time
9 for performance if Dunsmuir demonstrates that it has used its best efforts to comply
10 with the schedule and other requirements of this Order.
11
- 12 4. If Dunsmuir fails to perform any of the tasks specified in this Order by the time
13 described herein or by the time as subsequently extended pursuant to Item 4 above,
14 Dunsmuir shall be deemed to have failed to comply with the obligations of this Order
15 and may be subject to additional enforcement action, including civil penalties
16 specified in the CHSC, Section 116650.
17

18 All submittals required by this Compliance Order shall be submitted to the Division of
19 Drinking Water at the following address:
20

21 Barry Sutter, P.E., Klamath District Engineer
22 Division of Drinking Water
23 STATE WATER RESOURCES CONTROL BOARD
364 Knollcrest Drive, Suite 101
24 Redding, CA 96002

25 The Division reserves the right to make such modifications to this Compliance Order as it
26 may deem necessary to protect public health and safety. Such modifications may be
27 issued as amendments to this Compliance Order and shall be effective upon issuance.

1
2 Nothing in this Compliance Order relieves Dunsmuir of its obligation to meet the
3 requirements of the California Safe Drinking Water Act (CHSC, Division 104, Part 12,
4 Chapter 4, commencing with Section 116270), or any regulation, standard, permit or
5 order issued thereunder.
6

7 **PARTIES BOUND**

8 This Compliance Order shall apply to and be binding upon Dunsmuir, its owners,
9 shareholders, officers, directors, agents, employees, contractors, successors, and
10 assignees.
11

12 **SEVERABILITY**

13 The Directives of this Compliance Order are severable, and Dunsmuir shall comply with
14 each and every provision thereof notwithstanding the effectiveness of any provision.
15

16 **FURTHER ENFORCEMENT ACTION**

17 The California SDWA authorizes the Division to issue a citation or compliance order with
18 assessment of administrative penalties to a public water system for violation or continued
19 violation of the requirements of the California SDWA or any permit, regulation, permit or
20 order issued or adopted thereunder including, but not limited to, failure to correct a
21 violation identified in a citation or compliance order. The California SDWA also
22 authorizes the Division to take action to suspend or revoke a permit that has been issued
23 to a public water system if the system has violated applicable law or regulations or has
24 failed to comply with an order of the Division; and to petition the superior court to take
25 various enforcement measures against a public water system that has failed to comply
26 with an order of the Division. The Division does not waive any further enforcement action
27 by issuance of this citation or compliance order.

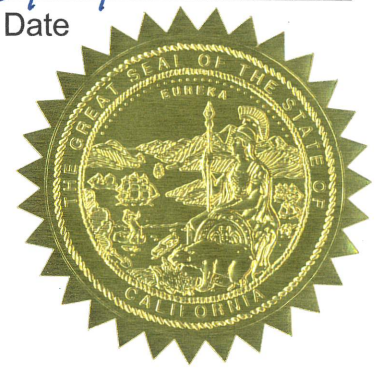
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Richard L. Hinrichs

Richard L. Hinrichs, P.E., Chief
Northern California Section
Drinking Water Field Operations Branch
State Water Resources Control Board

5/29/2019

Date



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